

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

ASSIGNED

SEP 7 1993

Date of filing in State Engineer's Office.....

OCT 20 1993

Returned to applicant for correction.....

DEC 17 1993

Corrected application filed.....

Map filed.....

DEC 20 1993

The applicant.....Smoky Valley Mining Company.....

P. O. Box 480

Street and No. or P.O. Box No.

of.....

Round Mountain

City or Town

Nevada 89045

State and Zip Code No.

hereby make.... application for permission to change the

Point of Diversion & Manner of Use

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under.....

55499

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is.....underground
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed.....1.5 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for.....dewatering, milling and mining
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for.....milling and mining and domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point.....SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30 T10N R44E or at a point
Describe as being within a 40-acre subdivision of public survey and by course and
from which the SE corner of Section 30 bears S. 30° 59' 44" E., 4332.2 feet.
distance to a section corner. If on unsurveyed land, it should be stated.
6. The existing permitted point of diversion is located within.....NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30 T10N R44E at a
If point of diversion is not changed, do not answer.
point from which the NW corner of said Section 30 bears N. 87° 32' 23" W.,
3,561.78 feet distant.
7. Proposed place of use.....Sections 17, 18, 19, 20, 29 & 30 T10N R44E MDM (portions
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
unsurveyed) - and - Sections 13, 23, 24, 25 & 26 T10N R43E MDM
8. Existing place of use.....Sections 17, 18, 19, 20, 29 & 30 T10N R44E MDM (portions
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
unsurveyed) - and - Sections 13, 23, 24, 25 & 26 T10N R43E MDM
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from.....January 1.....to.....December 31.....of each year.
Month and Day Month and Day
10. Use was permitted from.....January 1.....to.....December 31.....of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Drill and case well in pit with electric
State manner in which water is to be diverted, i.e. diversion structure,
motor and submersible pump.
ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works.....\$75,000.00
13. Estimated time required to construct works.....One (1) year

14. Estimated time required to complete the application of water to beneficial use Two (2) years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

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By s/Travis Terras

P. O. Box 480

Round Mountain, NV 89045

Compared bc/bc ab/vw

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 55499 is issued subject to the terms and conditions imposed in said Permit 55499 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.5 cubic feet per second, but not to exceed 1086.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before May 26, 1995

Proof of completion of work shall be filed before June 26, 1995

Application of water to beneficial use shall be made on or before May 26, 1996

Proof of the application of water to beneficial use shall be filed on or before June 26, 1996

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed.....

Proof of beneficial use filed.....

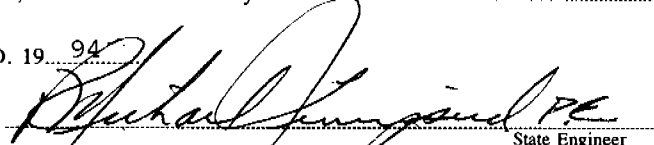
Cultural map filed.....

Certificate No. Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 22nd day of June,

A.D. 19 94


 State Engineer

70203T 0.3
 Port 69671T 112-5-0-0
 Port 67187T 0.25 exp 5/1/02
 Port 67185T 0.25 exp 5/1/02
 Port 68844T 0.16
 Port 70566T 0.3
 P 72262T 0.89 exp 4-11-06

(PERMIT TERMS CONTINUED)

The total combined duty of water under Permits 536; 1077, Certificate 267; 2908, Certificate 353; 3898, Certificate 2347; 12442, Certificate 3831; 12445, Certificate 3832; 12768, Certificate 3751; 14119, Certificate 4889; 26650, 26652, 44297, 44299, 44300, Certificate 13174; 50971; 51577, Certificate 13185; 51578, Certificate 13186; 52083, 53365, 55498, 55500, 55501, 55502, 55503, 59217, 59218, 59799-T and 59800-T shall not exceed 13,910.0 acre-feet annually.

This permit will allow for the dewatering of the pit area. Any water obtained as a result of this dewatering operation shall be used first by the permittee for mining, milling, heap leaching, drilling, dust control, road watering and other related mining and milling uses within the described place of use on this permit.

The permittee or its representatives shall meet with the State Engineer to discuss the method of disposal of the water and any alternative methods of disposal.

Monthly reports shall be kept of the amount of water pumped from each point of diversion under the control of the permittee, the amount of water consumptively used and any water disposed of, in addition to what method of disposal was used. The records must be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

The issuance of this permit expires Temporary Permit 59365-T.